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**HOMOLOGATION AND CERTIFICATION OF
TELECOMMUNICATION EQUIPMENT IN THE
BOLIVARIAN REPUBLIC OF VENEZUELA**

(Item on the agenda: 3.2)

(Document submitted by the delegation of Venezuela)

SUMMARY

The process of homologation of telecommunication equipment was initiated in the year 2000 with the approval of the Organic Law of Telecommunications (*Ley Orgánica de Telecomunicaciones*), which established as obligatory the homologation of telecommunications equipment in order to operate within national territory.

Homologation and the certification of telecommunications equipment seeks to guarantee the integrity and quality of telecommunications equipment, of the radio electric spectrum and the security of users, operators and third parties, with the purpose of guaranteeing the right of persons to quality goods and services as well as adequate and reliable information regarding the content and the characteristics of the products and services they consume.

This document draws a relationship of the legal principles upon which homologation is based in the Bolivarian Republic of Venezuela; at the same time, it describes the process of homologation, presenting some statistics regarding the results obtained since its implementation in the year 2000, and finally, points out the actions which are being carried out in order to consolidate this process.

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1. **DEFINITIONS**

- a. **Equipment homologation:** is the administrative procedure through which the National Telecommunications Commission accepts and recognizes the conformity declarations or certifications granted to telecommunications equipment, authorized by a properly accredited certification entity or body, with the objective of authorizing the use of that equipment within the telecommunication networks under its authority.
- b. **Certification:** procedure in which a third party guarantees in writing that telecommunications equipment is in compliance with the specified prerequisites of the applicable technical standard.
- c. **Telecommunications equipment:** equipment, apparatus, devices or systems which are used for connections to a telecommunications network, as well as particular equipment or installations which are not specifically used for providing telecommunications services but which, by their nature, can cause interference in those systems.

2. **LEGAL FRAMEWORK OF THE HOMOLOGATION AND CERTIFICATION OF EQUIPMENT**

The process of homologation and certification of telecommunications equipment in the *Bolivarian Republic of Venezuela*, is supported by **Article 117** of the *Constitution of the Bolivarian Republic of Venezuela*, which states that “...All *personas* have the right to have quality goods and services, as well as adequate and reliable information on the content and characteristics of the products and services which they consume; to freedom of choice and equitable and worthy treatment...”

As such, the Organic Law of Telecommunications (*Ley Orgánica de Telecomunicaciones (LOTEL)*) establishes in its ninth section the process of homologation and certification of telecommunications teams as a way of guaranteeing the integrity and quality of telecommunications networks, of the radio electric spectrum and of the security of users, operators and third parties.

In addition to *LOTEL*, the process of the homologation and certification of telecommunications equipment is currently supported by the following legal instruments:

- Resolution containing the list of foreign entities or bodies which are recommended for the homologation and certification of telecommunication equipment (Resolution 253, published in

- the Official Gazette of the Bolivarian Republic of Venezuela N° 37.698, dated 27th of May of 2003).
- Resolution containing the Conditions for the Qualification of Equipment for Free Use (Resolution 236, published in the Official Gazette No. 37.635, dated 19th of February 2003).

2.1. Organic Law of Telecommunications (*Ley Orgánica de Telecomunicaciones*) – LOTEL

Among the general objectives sought via *LOTEL* is that of favoring the harmonic develop of telecommunications systems within the geographic space, in conformity with the law. In this way, the ninth section of LOTEL “*On homologation and certification*” establishes that:

- “*Telecommunications equipment is subject to homologation and certification, with the goal of guaranteeing the integrity and quality of telecommunication networks, of the radio electric spectrum and the security of users, operators and third parties...*” (Article 141).
- CONATEL, via national and foreign entities for certification recommended for those purposes, will homologate and certify telecommunication equipment and apparatus which are manufactured and assembled in Venezuela (Article 142).
- CONATEL will dictate the technical standards regarding the homologation of telecommunication equipment and apparatus and will approve and publish a list of trademarks and homologated models and for what they can be used (Article 143).
- CONATEL will establish the amount of the prices which are applicable to the process of obtaining homologation (Article 144).

2.2. Resolution containing the list of foreign entities or bodies which are recommended for the homologation and certification of telecommunication equipment

This resolution contains the list of the foreign entities or bodies which are recommended for the homologation and certification of telecommunications equipment, so that equipment which has been homologated or certified by these entities and bodies and which also comply with the requirements and conditions established by this instrument, can be sold and installed in the Republic without the need for requesting a new homologation.

Via this instrument, those certification entities or bodies which issue conformity certifications or declarations will be equally recognized, as approval or as homologation, in name of and by authorization of the entities and bodies which are indicated in this resolution.

The entities or bodies which are currently recognized are:

- European Union
- Federal Communications Commission (FCC) of the United States
- Industry Canada of Canada
- National Telecommunication Agency (ANATEL) (*Agencia Nacional Telecomunicaciones*) of Brazil
- Federal Commission of Telecommunications (COFETEL) (*Comisión Federal de Telecomunicaciones*) (COFETEL) of Mexico
- National Commission of Telecommunications (CNC) (*Comisión Nacional de Telecomunicaciones*) of Argentina

2.3. Resolution containing the Conditions for the Qualification of Equipment for Free Use

This resolution established the conditions which should be met so that equipment can be qualified as free use, in this case not requiring the acquisition of concessions for the use and exploitation of the radio electric spectrum for its installation and operation.

In the case of equipment used for offering telecommunications services, the acquisition of an administrative authorization is required.

Conditions for operation

- Maximum limits are established for the intensity of the electric field according the frequency band for the operation of the equipment.
- Uses and frequency values, band width and maximum limits on the potency and intensity of the electric camp are established for normal operating conditions.

3. *HOMOLOGATION PROCEDURES*

All manufacturers, distributors or importers of telecommunications and operators of telecommunication services are responsible for homologation, understanding telecommunication equipment to be:

- All telecommunication equipment
- All equipment not intended as telecommunications but which uses the radio electric spectrum.

The following figure shows a flow chart of the process of homologation. Once equipment is classified as telecommunications equipment, verification is made as to whether it is manufactured nationally or abroad. If the equipment is manufactured within the country, laboratory tests corresponding to the verification of compliance with national standards required by CONATEL are carried out; if the equipment passes those tests, it is assigned a code and is incorporated into the list of homologated equipment, which implies approval for its sale within national territory. In the event that the equipment does not pass the tests, CONATEL issues a statement informing the applicant of the denial of the homologation which was solicited due to the results of the test.

In the case of equipment which is manufactured abroad, verification is made as to whether that equipment has been homologated or certified by one of the entities or bodies which are recognized by CONATEL, as indicated in Resolution 253, in which case it is verified as to whether the equipment meets national standards required by CONATEL, in particular in reference to the use of radio electric spectra, which is specified in the **National Chart of Frequency Bands (*Cuadro Nacional de Bandas de Frecuencia*) – CUNABAF**. If the equipment meets these standards, it is assigned a code and is incorporated in the list of homologated equipment which implies approval for its sale in national territory; to the contrary, CONATEL emits a statement informing the applicant of the denial of the homologation which was solicited due to the results of the test.

If the equipment does not possess homologation or certification by an entity or body which is recognized by CONATEL, according to Resolution 253, it should be submitted to the same procedures which are established for equipment manufactured nationally.

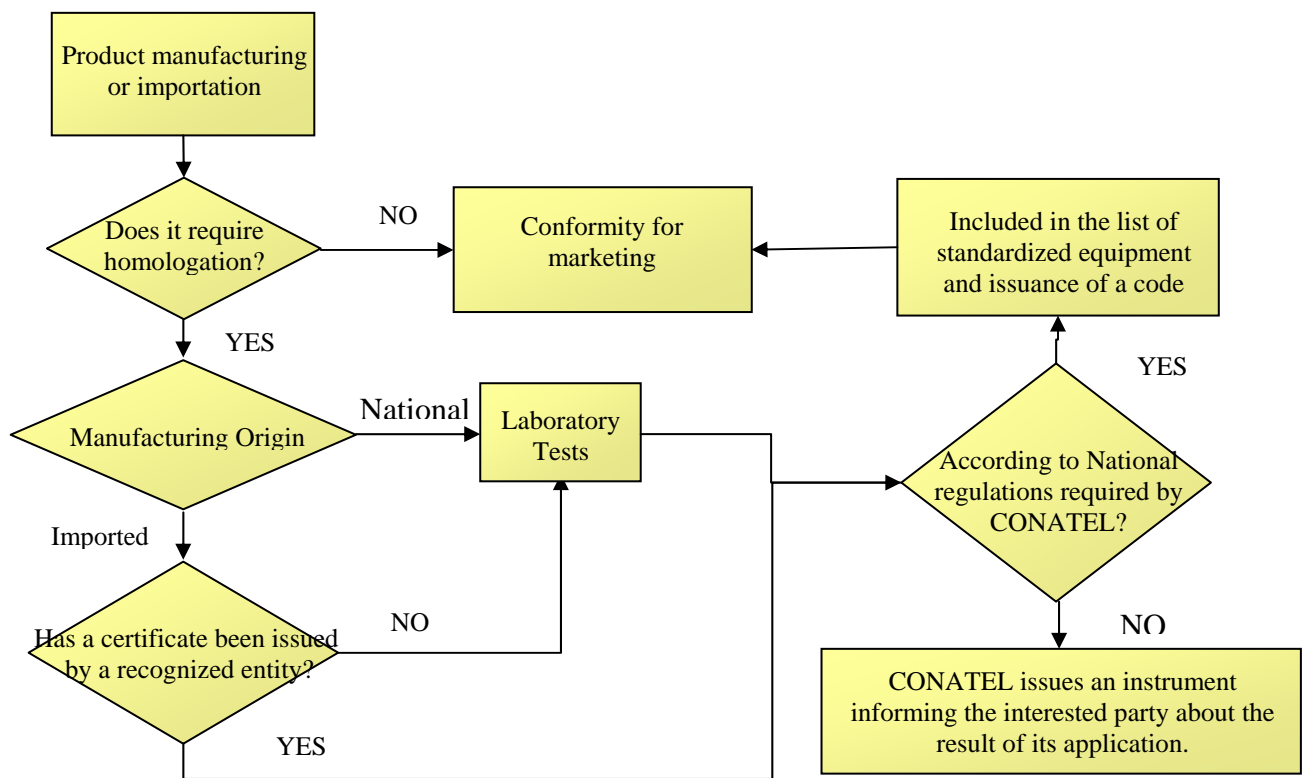


Figure #1. Flow chart of the homologation procedure in Venezuela.

3.1. Requirements for soliciting homologation:

- Letter of request
- Application form
- User guide in Spanish (in the case of equipment for mass consumption)
- Technical specifications
- Homologation certifications from other countries
- Test reports from accredited laboratories
- Photographs and diagrams of the equipment

3.2. Standards used for certification analysis:

- COVENIN Standards

- Resolutions dictated by CONATEL
- International standards
- International conventions

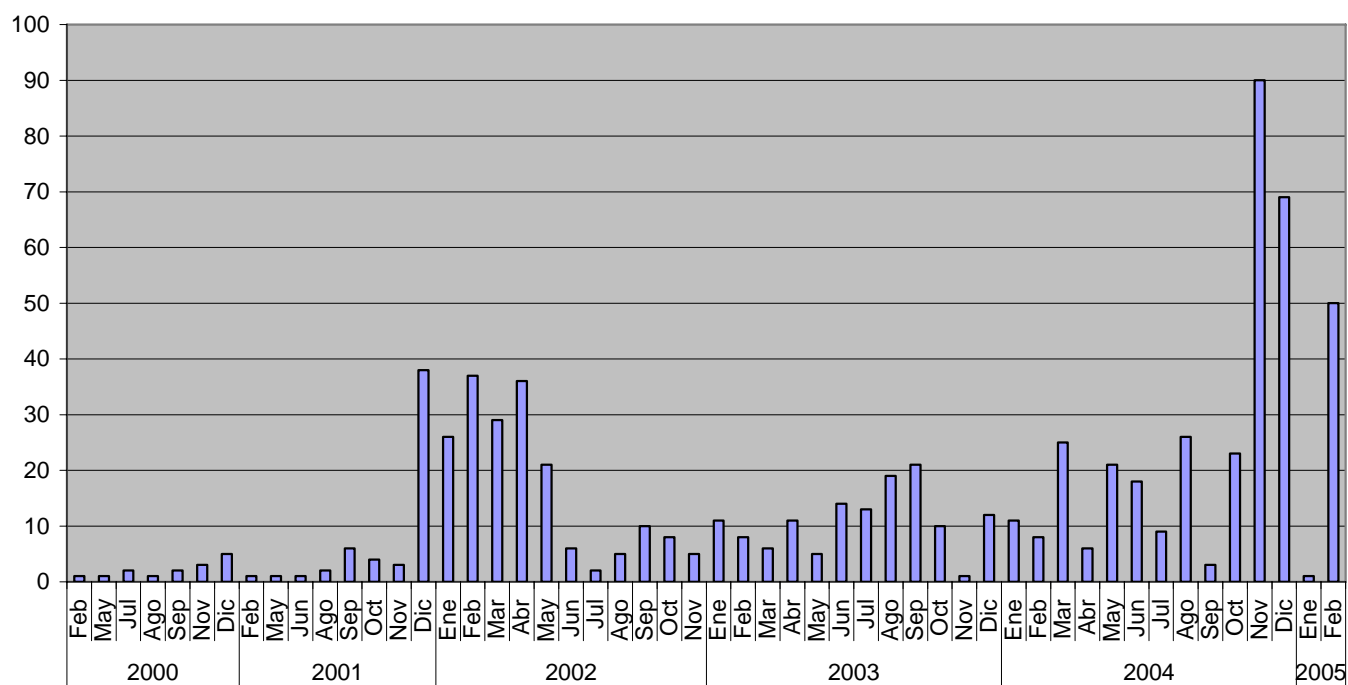
3.3. Equipment certification

- a. Requirements for presentation to the certifying entity
 - General description of the equipment
 - Technical characteristics
 - Photographs of the equipment indicating dimensions
 - Functional diagrams
 - Samples
- b. Aspects which are covered in the trials
 - Electric security
 - Environmental conditions
 - Efficient use of the radio electric spectrum
 - Interfunctioning with existing networks.
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4. STATISTICS OF THE HOMOLOGATION PROCESS

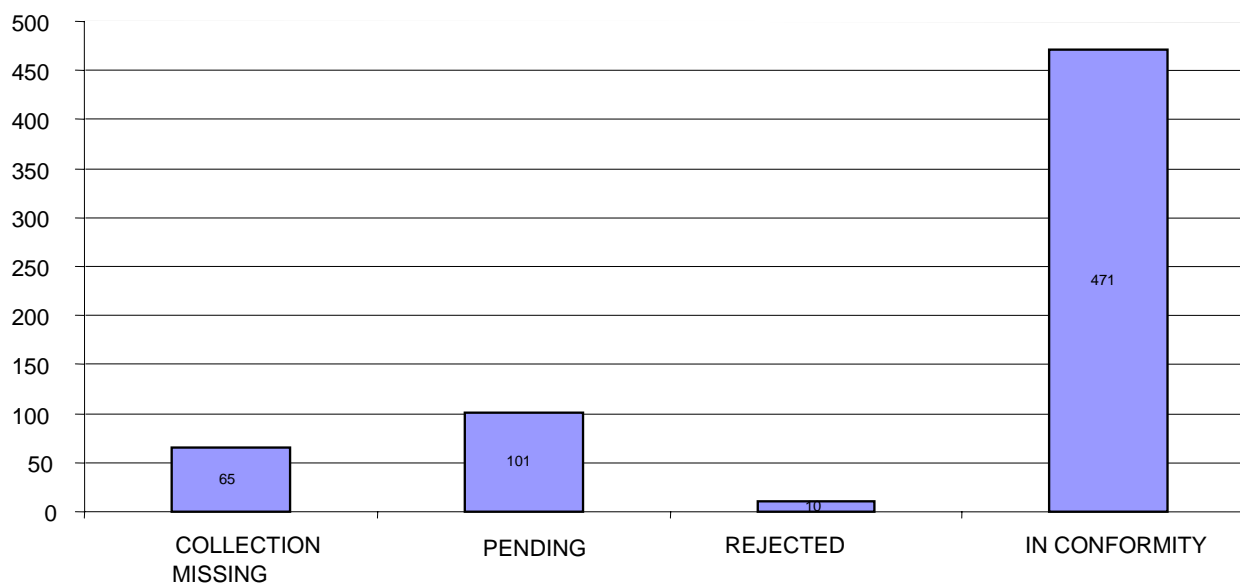
Graph #1 shows the number of requests for equipment homologation received since the year 2000, the year in which the Organic Law of Telecommunications (*Ley Orgánica de Telecomunicaciones*) took effect, establishing the obligation of the homologation of telecommunication equipment seeking to operate in national territory.

It can be observed that the maximum number of requests for homologation was received in November of 2004 and February of 2005; among other factors, this is due to the fact that many telecommunications operators had initiated bidding processes and the equipment purchases in order to update and expand their networks.



Graph #1. Homologation applications received since the year 2000.

Graph #2 demonstrates the situation of requests for homologation received by CONATEL through the current date. It should be pointed out that through the present date 464 requests for homologation of equipment have been approved, while fewer than 20 have been rejected.



Graph #2. Total equipment processed to date.

5. FUTURE ACTIONS

5.1. Approval of the Regulation on Telecommunications Equipment Homologation and Certification

This regulation has as its goal:

- To establish the procedure for homologation and certification of telecommunications equipment with the purpose of guaranteeing the integrity and quality of telecommunications networks, of the radio electric spectrum and the security of users, operators and third parties in conformity with article 141 of the Organic Law of Telecommunications (*Ley Orgánica de Telecomunicaciones*).
- To establish the rules regarding the accreditation of bodies in charge of carrying out the process of conformity assessments of the above-mentioned equipment.

5.2. Approval of the Regulation on Homologation and Certification of Telecommunication Equipment

To date the following technical standards have been developed:

- Technical Standard on Environmental Conditions
- Technical standards on electromagnetic compatibility
- Technical Standard on the security of equipment connected with a telecommunications network and users, in the face of electric risks.